IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.4886 of 2006

Date of decision : 14.9.2006.

Paramjit Singh.

.....Petitioner.

Versus

Mindo & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Krishan Sehajpal, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 29.7.2006 passed by the learned Civil Judge (Sr.Divn.), Nawanshahar vide which the objections filed by the petitioner against the execution of decree and judgment have been dismissed.

Petitioner claimed to be son of Gurdev Kaur, who has purchased the property. The stand of the petitioner, therefore, is that he is not bound by the decree. The learned trial Court came to the conclusion that the sale deed in favour of Gurdev Kaur was executed during the pendency of the suit and,therefore, she was bound by the decree. Accordingly, the objections have been dismissed. The learned counsel for the petitioner by placing reliance upon the judgment of this Court in **Baljit Singh Vs. Balkar Singh** 2001(1) RCR (Civil) 180 contends that objections under O 21 Rule 97 CPC were to be decided after framing of issues and leading of evidence by the parties and, therefore, the impugned order being contrary to the law laid

down by this Court cannot be sustained. He further placed reliance upon the judgment of the Hon'ble Supreme Court in **Anwarbi Vs. Pramod D. A. Joshi and others** 2001(1) PLJ 467 to contend that it was incumbent upon the Court to have framed issues and permitted the parties to lead evidence. The learned counsel for the petitioner contends that the provisions of Order 21 Rules 97 to 101 C.P.C. are applicable to third parties, who were otherwise not bound by the decree. In the present case the petitioner derive title from Gurdev Kaur, who in view of the fact that the purchase was made during the pendency of the suit was bound by the decree. Accordingly, no benefit can be drawn from the judgments relied upon by the petitioner.

There is no illegality or impropriety in the order passed by the Court below which may call for interference by this Court under Article 227 of the Constitution of India.

Dismissed.

September 14,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**